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CORPORATE INTELLECTUAL PROPERTY  
ONE HEALTH PLAZA 104/3  
EAST HANOVER NJ 07936-1080

In re Application of	:	
BRUNGGER et al.	:	
Application No.: 10/573,609	:	DECISION ON
PCT No.: PCT/EP04/08798	:	
Int. Filing Date: 05 August 2004	:	PETITION UNDER
Priority Date: 06 August 2003	:	
Attorney Docket No.: DC/4-33232A	:	37 CFR 1.137(b)
For: UBIQUITIN-SPECIFIC PROTEASE	:	

This decision is in response to applicant's submission filed 28 March 2006.

### **BACKGROUND**

On 05 August 2004, applicant filed international application PCT/EP04/08798 which designated the U.S. and claimed a priority date of 06 August 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 17 February 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 February 2006.

On 28 March 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of the inventors, and a petition under 37 CFR 1.137(b) to revive the application.

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 28 March 2006.

As to item (2), applicant submitted the petition fee on 28 March 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventors filed 28 March 2006 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 19-0134.

#### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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